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April 27, 2000

**VIA HAND DELIVERY**

Ms. Magalie R. Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: Ex Parte Presentation in CC Docket No. 00-65

Dear Ms. Salas:

Pursuant to Section 1.1206 of the Commission's rules, the Competitive Telecommunications Association ("CompTel"), by its undersigned counsel, hereby gives notice that on April 25, 2000, its representatives met with Dorothy Attwood, Common Carrier Legal Advisor to Chairman Kennard. Representing CompTel were Carol Ann Bischoff, Executive Vice President and General Counsel of CompTel, Richard Burk, Chairman and CEO of Network Intelligence, and the undersigned.

The enclosed materials were distributed at the meeting and summarize the discussion.

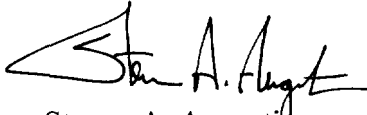
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KELLEY DRYE & WARREN LLP

Ms. Magalie R. Salas  
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In accordance with Section 1.1206(b), an original and one copy of this notice is being provided.

Sincerely,



Steven A. Augustino

SAA:pab

Enclosure

cc: Dorothy Attwood

# CompTel *Ex Parte* Presentation

*Application of SBC Communications Inc.  
Pursuant to Section 271 of the  
Telecommunications Act of 1996 to Provide In-  
Region, InterLATA Services in Texas  
(CC Docket 00-65)  
April 25, 2000*

# **Keys to Satisfaction of Section 271**

Section 271 Requires the Following Minimum  
Conditions to Ensure Sustainable Competition:

- Open State Process, Including Vigorous Third Party Testing
- UNE-P Provisioning that Does Not Disrupt Customers
- Proven Performance in OSS and Hot Cuts
- Non-Discriminatory Treatment of Competitors
- Swift and Effective Enforcement Mechanisms at the Federal and State Levels

# **When Close is Not Enough: The Importance of Saying No**

SWBT's Supplemental Filing Does Not Remedy the Core Deficiencies in the Application:

- SWBT's 3-Order Process for UNE-P Orders is Unlawful and Disrupts Customers
- SWBT Performance on Hot Cuts and Provisioning of Interconnection Trunks Remains Spotty
- "Project Pronto" Discriminates Against Competitive Providers of Advanced Services
- Protections against Post-Entry Backsliding are Unclear

# **SWBT's UNE-P Provisioning Process is Unlawful and Causes Significant Customer Disruption**

- The “Tear Down and Reconstruct” Process Unlawfully Breaks Apart Existing Network Elements
  - Section 315(b) Prohibits ILECs from “sabotag[ing] their network” to increase a requesting carrier’s costs.
- The Lack of an “As-is” Migration Discriminates Against Competitive Carriers by Subjecting Them (and their customers) to the Risk of Improper Provisioning

# **Customer Disruptions Caused by SWBT's Tear Down and Reconstruct Process**

- 16% of one CLEC's Orders Resulted in Service-Affecting Problems
- 5% of Orders Experienced a Loss of Dialtone or other Service Outage
- Many Problems Caused by Loss of Information When Old Service is Disconnected
- Proposed Change Regarding Address Information Does Not Change Inherent Discrimination of 3 Order Process

# SWBT's Project Pronto is Discriminatory

- Waiver Request Obscures the the Real Issue: SWBT's Proposed Architecture Would Severely Restrict the Ability of Integrated Voice and Data Providers to Offer a Competing Service
- *BA-NY Order* Made Clear that Future Applicants Must Demonstrate Non-Discriminatory Treatment of DSL Services
- Compliance with Merger Conditions Cannot Excuse SWBT from Obligation to Satisfy Section 271



## **At a Minimum, SWBT Must:**

- Modify its UNE-P Provisioning to Eliminate the 3-Order Process
- Eliminate Discrimination in Project Pronto Architecture
- Improve Reliability of its Hot Cut Performance, Particularly with FDT Cuts
- Submit to Guarantees of Swift and Effective Enforcement